

### REMARKS/ARGUMENTS

The Office Action mailed March 12, 2003 has been reviewed and carefully considered. Claim 1 has been amended. Claims 1-13 are pending in this application, with claims 1 and 2 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed March 12, 2003, the Office Action Summary states that none of the Certified Copies of the priority documents has been received. Attached please find a copy of a Letter submitting priority document and a stamped return postcard evidencing that the certified copy of the priority document was received at the United States Patent and Trademark Office. Accordingly, please update the records of the present application to indicate that the certified copy of the priority document for the present invention has been received.

Claim 1 stands rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,230,506 (Clark).

Claims 1-13 stand rejected under 35 U.S.C. §103 as unpatentable over Clark, EP 360254, English Abstract of Russian patent '873 or English Abstract of Russian patent '123.

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to an alloy for a friction element of a friction clutch and a friction element produced from the alloy. The alloy is a gray cast alloy and includes 3.0 – 3.4 percent by weight C, 1.8 – 2.3 percent by weight Si, 0.4 – 0.8 percent by weight Mn, 0.0 – 0.35 percent by weight P, 0.0 – 0.125 percent by weight S, 0.4 – 0.6 percent by weight Mo, and a remainder comprising iron and production-related impurities and/or additives. In addition, the material is cast and annealed to improve the characteristics thereof (see page 8, lines 1-5).

Independent claim 1 has been amended to recite that the alloy exhibits friction characteristics suitable for a friction element of a friction clutch. Support for this limitation is found on page 7, line 20 to page 8, line 5.

Clark discloses a cam shaft made of a gray cast iron alloy. Although the alloy disclosed by Clark includes some of the similar constituents as the claimed invention, Clark also discloses that the alloy additionally has chromium, Vanadium, Nickel and Copper. These are expensive additives. Furthermore, Clark discloses that the alloy of Clark exhibits characteristics that make it a good cam shaft. Since a cam shaft is required to glide over valve tappets, Clark fails to disclose that the alloy has frictional characteristics that are suitable for a friction element of a friction clutch. Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by Clark.

Independent claim 2 recites a friction element made of the alloy of claim 1. The Examiner states that claims 1 and 2 are obvious over any one of Clark, EP '254, SU '873, or SU '123. As stated above, Clark discloses a cam shaft having an alloy with more constituents than the recited alloy. Since Clark is directed to a cam shaft, there is no teaching or suggestion for using the elements of the Clark alloy in a friction clutch. Accordingly, it is respectfully submitted that independent claims 1 and 2 are not obvious over Clark.

EP '254 fails to teach or suggest what Clark lacks, by itself or in combination with Clark. EP '254 discloses a friction element for an automotive brake. A disk according to EP '254 is made of a material having similar constituents to the claimed alloy. However, EP '254 teaches that this disk is usable with a brake pad made of organic material (see page 2, lines 21-50). There is no teaching or suggestion that the material used for disk brake can be used as a friction element in a friction clutch. The requirements for a brake are much different

than that of friction clutch. For example, in friction clutches the difference between the static and dynamic coefficient of friction is important because torsional vibrations must be kept to a minimum upon engagement. In brakes, the difference is not that big a factor. The friction during movement (dynamic coefficient of friction) is most important. Accordingly, there is no teaching or suggestion that the friction characteristics of a brake disk are suitable for a friction clutch. Furthermore, there is no teaching or suggestion for using the material of a brake disk for a friction element in a friction clutch. In view of the above comments, it is respectfully submitted that independent claims 1 and 2 are allowable over EP '254.

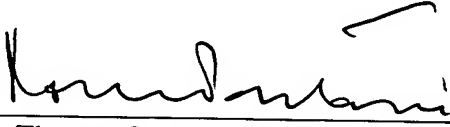
Both the SU '873 and SU '123 references disclose gray cast iron alloys which include rare-earth elements. Accordingly, these alloys are more expensive to produce because they use the rare earth elements. Accordingly, one skilled in the art would not look to the SU references for producing a friction element of a friction clutch. Furthermore, there is no specific teaching in the abstracts of these documents regarding where these alloys are used. In view of the above amendments and remarks, it is respectfully submitted that independent claims 1 and 2 are allowable over SU '873 and SU '123.

Dependent claims 3-13, being dependent in independent claim 2, are allowable for at least the same reasons as independent claim 2.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

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Dated: July 14, 2003